

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00468

Jesse Daniel Clark, II,
Plaintiff,

v.

City of Henderson, Texas et al.,
Defendants.

ORDER

Plaintiff Jesse Daniel Clark, II filed this suit seeking relief pursuant to 42 U.S.C. § 1983. Doc. 1. The case was referred to United States District Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). Doc. 4.

On September 8, 2020, plaintiff was ordered to submit an amended complaint within 30 days addressing identified deficiencies in the original complaint. Doc. 5. On October 5, 2020, the court granted plaintiff's request for an extension of time to comply, and the deadline was extended for an additional 30 days. Doc. 8. The order was returned to the court as unclaimed by plaintiff. Plaintiff did not file an amended complaint.

The magistrate judge issued a report recommending dismissal of the complaint without prejudice for failure to prosecute. Doc. 10. Plaintiff received the report and recommendation by certified mail on December 5, 2020. Doc. 11.

Plaintiff did not object to the report and recommendation. When a party fails to object to a magistrate judge's report, the court reviews the record only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court **accepts** its

findings and recommendation. This action is **dismissed without prejudice**.

So ordered by the court on December 30, 2020.



J. CAMPBELL BARKER
United States District Judge